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1820 E. SAHARA AVENUE STE. 110

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14	VIRGILIA PENARIJO, an ind
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16	Plaintif

E UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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OCWEN LOAN SERVICING, LLC.; THE BANK OF NEW YORK MELLON (FKA THE BANKOF NEW YORK) AS TRUSTEE FOR THE HOLDERS OF AMERICAN HOME MORTGAGE INVESTMENT TRUST 2004-4; and WESTERN PROGRESSIVE-NEVADA, INC., as Trustee for Beneficiary,

Defendants.

Case No: 2:17-cv-02121-RFB-PAL

STIPLUATION AND ORDER TO **XTEND BREIFING SCHEDULE**

STIPLUATION AND ORDER TO EXTEND BREIFING SCHEDULE

Plaintiff VIRGILIA PENARIJO ("Plaintiff" or "Penarijo"), appearing by and through her attorneys, MICHAEL B. LEE, P.C. and MONTEZ NAZARETH LAW., and Defendants OCWEN LOAN SERVICING, LLC ("OLS"), THE BANK OF NEW YORK MELLON (FKA THE BANK OF NEW YORK) AS TRUSTEE FOR THE HOLDERS OF AMERICAN HOME MORTGAGE INVESTMENT TRUST 2004-4 ("Bank of New York"), and WESTERN

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PROGRESSIVE NEVADA, INC. ("WPN") (OLS, Bank of New York, and WPN are collectively referred to as "Defendants"), appearing by and through their attorneys, WRIGHT, FINLAY, & ZAK, LLP, based on the following information:

- 1. On or about August 13, 2018, the Parties filed a Joint Status Report for this matter (ECF No. 37). Therein, the Parties requested a 90 day extension to the August 13, 2018 status check related to the requested short sale of the subject real property. *Id.* at 3:12-20.
 - 2. On January 22, 2019, this Honorable Court issued a Minute Order that: the parties shall have until February 19, 2019 to file a stipulation to dismiss if they have settled. If the parties have not settled defendants shall have until February 19, 2019 to refile motions to dismiss which were pending and set for hearing and vacated when the parties filed their Notice of Settlement. Signed by Magistrate Judge Peggy A. Leen on 1/18/2019. (Copies have been distributed pursuant to the NEF - MMM)
 - 3. On February 13, 2019, the Parties filed their Joint Status report stating that: On September 21, 2018, Ocwen approved Ms. Penarijo's request for a short sale under the terms acceptable to Ocwen. Ms. Penarijo received short sale approval from the second lender on the subject real property. Plaintiff secured a buyer for the subject real

property, and the property is set to close on March 23, 2019.

(ECF No. 39).

- 4. As no minute order granting an extension for Defendants to file their motions to dismiss, Defendants, out of an abundance of caution, filed their Motion to Dismiss (ECF No. 40) and their Motion for Judicial Notice (ECF No. 41) on February 19, 2019. However, Defendants only filed to preserve the Motions, but have the expectation that this matter will resolve by way of the short sale.
- 5. Plaintiff's Opposition is due in normal course on or before March 5, 2019, but the Parties stipulated and agreed to provide Plaintiff with an extension to file the Reponses on or before April 8, 2019 as a matter of judicial efficient to and reduce the costs related thereto as both Parties expect this matter to resolve by way of the short sale set to close on March 23, 2019.

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MICHAEL B. LEE, P.C. 1820 E. SAHARA AVENUE STE. 110

IT IS HEREBY STIPULATED AND A	AGREED, by and between Plaintiff's counsel		
and Defendants' counsel, that the deadline for	Plaintiff to file its Opposition to Defendants'		
Motion to Dismiss, which was filed on February 19, 2019, shall be extended to April 8, 2019 .			
DATED this 27 of February, 2019.	DATED this 27 of February, 2019.		
1820 E. Sahara Ave. Ste. 110 Las Vegas, Nevada 89104 Attorney for Plaintiff	/s/ Samuel Ehlers R. SAMUEL EHLERS, ESQ. (NSB 9313) POOJA KUMAR, ESQ. (NSB 12988) 7785 W. Sahara Ave. Ste. 200 Las Vegas, Nevada 89117 Attornevs for Defendants		

ORDER

Based on the <u>STIPULATION AND ORDER TO EXTEND BRIEFING SCHEDULE</u>, the Stipulation is GRANTED and the date for which Plaintiff is to reply to Defendant's Motion to Dismiss has been extended to **April 8, 2019**.

Dated this 28th day of February , 2019

RICHARD F. BOULWARE, II United States District Judge